

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

BRANDON MARSH,

Plaintiff,

v.

LOTTERY.COM, INC.,

Defendant.

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1:23-cv-880-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant Lottery.com, Inc.’s Motion to Dismiss (“Lottery.com”), (Dkt. 37). (R. & R., Dkt. 48). Plaintiff Brandon Marsh (“Marsh”) timely filed objections to the report and recommendation, (Objs., Dkt. 50), and the parties filed responsive briefing, (Dkts. 51, 52).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Marsh timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Marsh’s objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 48), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Lottery.com’s motion to dismiss, (Dkt. 37), is **GRANTED**.

**IT IS FINALLY ORDERED** that Marsh's claims are **DISMISSED WITH PREJUDICE**.

Additionally, in accordance with the report and recommendation, the Court refers Alphonso Kennard, Jr. to the Disciplinary Committee for the Western District of Texas.

The Court will enter final judgment by separate order.

**SIGNED** on March 4, 2025.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE